

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-2, 6, 8, 12, 15-16, 27-28, 30-31 have been amended. Claims 3-5, 7, 9-11, 13-14, 17-26, 29 and 32-33 have been cancelled without prejudice. New claims 34-35 have been added. Therefore, claims 1-2, 6, 8, 12, 15-16, 27-28, 30-31 and 34-35 are presented for examination.

35 U.S.C. § 112 Rejection

Claims 1, 2, 6, 8, 11, 15, 16 and 27-33 are rejected under 35 U.S.C. § 112 Rejection, second paragraph.

Claims 1, 8 and 15 have been amended which obviates the rejection of the claims for being indefinite.

With regard to the claims being incomplete for omitting essential elements, Applicants respectfully submit that they are not required to claim every feature or element that is disclosed in the Specification. A single element, “sender name” of “notification criteria” is claimed in claim 1 and provides proper nexus for the rest of the claim. Other elements of “notification criteria” are claimed in dependent claims 34 and 35.

Applicants respectfully request the withdrawal of the rejection of claims 1, 8 and 15 and their dependent claims.

35 U.S.C. § 103 Rejection

Claims 1, 2, 6, 8, 11, 12, 15, 16 and 27-33 stand rejected under 35 U.S.C. §103(a) as being anticipated over Miller et al., U.S. Patent No. 6,421,707 (“Miller”) in view of

Austin, U.S. Patent No. 6,157,924 ("Austin").

Claim 1, as amended, recites:

A method comprising:

in response to receiving an email, the email corresponding to a user profile, the user profile including one or more of a notification criteria, a user name, and a delivery vehicle list, wherein the notification criteria includes a sender name;
generating a notice corresponding to the email if a name associated with the email matches the sender name of the notification criteria, wherein the notice is customized according to contents of the user profile and sent to a device associated with a user;
determining a delivery vehicle associated with a device from the delivery vehicle list, wherein the deliver vehicle includes one or more of Global System for Mobiles (GSM), Short Messaging Service (SMS), and Simple Mail Transfer Protocol (SMTP);
if the device uses the GSM, sending the customized notice corresponding to the email to the device via the SMS; and
if the device does not use the GSM, sending the customized notice corresponding to the email to the device via the SMTP.

(emphasis added)

Miller discloses "[a] *wireless multimedia messaging* communications method and apparatus that permits a subscriber to a wireless telecommunications service to *receive and generate multimedia messages from known wireless personal communications devices.*" (Abstract; emphasis added). Austin discloses a "computer program product for *delivering information to a user in one or more preferred delivery media*. Preferred delivery media includes . . . e-mail, HTML, fax, printed copy, and mail." (Abstract; emphasis added).

In contrast, claim 1, in pertinent part, recites the user profile including one or more of a notification criteria, a user name, and a delivery vehicle list, wherein the notification criteria includes a sender name; generating a notice corresponding to the email if a name associated with the email matches the sender name of the notification criteria, wherein the notice is customized according to contents of the user profile and sent to a device associated with a user; determining a delivery vehicle associated with a

device from the delivery vehicle list” (emphasis added). Miller and Austin, neither individually nor when combined, teach or reasonably suggest the features of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 8 and 15 include limitations similar to those of claim 1. Accordingly, Applicants respectfully requests the withdrawal of the rejection of claims 8 and 15 and their dependent claims.

New claims 34-35 depend from one of claims 1 and 8 and thus include all the limitations of their corresponding base claim. Accordingly, Applicants submit that claims 34-35 are allowable over the cited references

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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